

REMARKS

Claims 1-13, 15-17, 20-27, and 29-38 were presented for examination in the present application. The instant amendment cancels non-elected claim 39. Thus, claims 1-13, 15-27, and 29-38 are presented for examination in the present application. Claims 1, 34, and 35 are independent.

Applicants reserve the right to file a divisional application directed to the non-elected embodiment of cancelled claim 39.

Claims 1-13, 15-17, 20-27, and 29-33 were rejected under 35 U.S.C. §112, second paragraph. Specifically, the Office Action asserts that claim 1 appears to define the claimed invention a clamp in terms of the non-claimed first and second ends.

Applicants respectfully traverse this rejection.

Claim 1 is directed to a “clamp” that now introduces, in the preamble, the workpieces on which the claimed clamp operates upon, namely “a stepped segment where a first end of a flexible tubing or pipe overlaps a second end of a pipe”. Applicants submit that the first end and second end, as well as the stepped segment, are workpieces upon which the claimed clamp operates. The introduction of a workpiece within a claim is often necessary to for the claim to be complete and make sense.

In addition, claim 1 now clearly delineates the elements of the claim from the workpieces upon which these elements operate. Specifically, the workpieces are now all initially introduced in the preamble. By contrast, the elements of the claim are introduced in the body of the claim. Once introduced, the workpieces are referred to using the definite article “the” while the elements of the claim are referred to using the definite article “said”.

Accordingly, Applicants submit that the claim elements are clearly defined and delineated from the workpieces on which these elements operate. The Office Action repeats in several locations that the first and second ends are not considered part of the claimed invention. Applicants agree.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejection under 112, second paragraph.

Independent claims 1, 34, and 35, as well as dependent claims 2-13, 15-27, 29-33, and 36-38, were rejected under 35 U.S.C. §103 over any one of U.S. Patent Nos. 4,790,574 to Wagner et al. (Wagner), 3,944,265 to Hiemstra et al. (Hiemstra), 5,131,698 to Calmettes (Calmettes), 5,383,496 to Bridges (Bridges '496), 4,049,298 to Foti (Foti), and 5,362,107 to Bridges (Bridges '107) in view of U.S. Patent No. 852,997 to Brandram (Brandram).

Applicants respectfully maintain the traversal of these rejections.

In the interest of clarity, claim 1 has been amended to recite that the clamping band is "configured to mate over the stepped segment", where the stepped segment is where the first end of a flexible tubing or pipe overlaps the second end of a pipe. Moreover, independent claim 1 recites that the sliding crosspiece "molds to the stepped segment under the effect of a tightening pressure imparted by said spreading prevention means so that said sliding crosspiece compensates for difference in tolerances between the first and second ends at said gap (emphasis added)".

Thus, claim 1 recites a sliding crosspiece (claim element) that "molds" (claim element) to the stepped segment (workpiece) under the effect of a tightening pressure imparted by said spreading prevention means (claim element) so that said sliding crosspiece (claim element) compensates for difference in tolerances (claim element) between the first and second ends (workpieces) at said gap (claim element).

In sum, claim 1 defines the structure of the claimed “sliding crosspiece” functionally with respect to how the structure of this “sliding crosspiece” is effected by the tightening pressure imparted by the “spreading prevention means” and does so by referring to the workpieces upon which the clamp operates. Further, independent claim 1 recites, in part, that the clamping band is “configured to mate over the stepped segment”. Thus, claim 1 recites a “clamp band” (claim element) that is “configured to mate” (claim element) over a stepped segment (workpiece).

The Office Action acknowledges that each of the primary references Wagner, Hiemstra, Calmettes, Bridges ‘496, Foti, and Bridges ‘107 fail to disclose or suggest the claimed sliding crosspiece. Rather, the Office Action asserts that Brandram discloses the claimed sliding crosspiece.

Applicants respectfully submit that Brandram discloses a bridge piece or metal plate that is coated with bitumen, where a band is drawn tightly around the pipes so that a considerable pressure is exerted upon the bitumen so that the bitumen is forced into the surface of the pipes so that perfect adhesive between the pipes and bitumen is obtained. See page 2, lines 20-25.

Thus, Brandram relies on the molding of the bitumen to compensate for variances in the surface of the pipe and not any molding of the bridgepiece. As such, Brandram fails to disclose or suggest the claimed crosspiece that molds and compensates as in claim 1.

Applicants respectfully submit that the cited art fails to disclose or suggest the use of the sliding crosspiece and a clamping band in conjunction with the stepped segments of overlapped pipe ends as claimed.

Applicants respectfully submit that Calmettes, Bridges ‘496, Bridges ‘107, and Brandram are all directed to couplings that connect pipes abutted ends, but not overlapped pipe ends.

More particularly, Calmettes is directed to a device for sealing two smooth tubes of the same diameter. See col. 1, lines 28-34. Bridges '496 is directed to a coupling for sealing leak locations between adjacent pipe ends. See col. 1, lines 19-23. Bridges '107 is directed to a coupling for sealing leak locations between adjacent pipe ends. See col. 1, lines 16-19. Brandram is applicable to pipes with butt ends, or with rabbeted ends, or with any form of end that does not involve a projection on the exterior surface. See lines 20-30.

Thus, Calmettes, Bridges '496, Bridges '107, and Bradram all fail to disclose or suggest, alone or in combination, the claimed clamping band that is configured as claimed, namely for use with the stepped segment of overlapped pipe ends.

Wagner, Foti and Hiemstra each disclose clamps or couplings configured to join overlapped pipes. However, the Office Action acknowledges that Wagner, Hiemstra, and Foti fail to disclose or suggest a gap being saddled by a sliding crosspiece. Rather, the Office Action asserts that Brandram discloses a sliding crosspiece.

However, Brandram discloses that its bridge piece or metal plate with bitumen combination is only is applicable to pipes with butt ends, or with rabbeted ends, or with any form of end that does not involve a projection on the exterior surface (emphasis added). See page 1, lines 20-30.

In sum, Applicants submit that there is no teaching, suggestion, or motivation in the cited art to use a bridge piece or metal plate as in Brandram in combination with overlapped joints as in Wagner, Foti and Hiemstra. Further, there is no expectation that one could successfully modify the overlapped joints as in Wagner, Foti and Hiemstra to include the bridge piece or metal plate as in Brandram.

Finally, the necessary modification to Brandram proposed by the Office Action is to configure the sliding crosspiece for use with overlapped joints. However, Brandram

specifically discloses the sliding cross pieces only being applicable to pipes with butt ends, or with rabbeted ends. Thus, the necessary modification to Brandram proposed by the Office Action would render the device of Brandram unsuitable for its intended purpose.

Accordingly, Applicants submit that none of the cited art discloses or suggests a sliding crosspiece that is configured to mold to the stepped segment such that the crosspiece itself compensates for difference in tolerances between the first and second ends of overlapped pipes at the gap of the clamping band as in claim 1.

For at least the reasons set forth above, it is respectfully submitted that there is simply no motivation to combine any of the primary references with Brandram to result in the combinations of amended claim 1. Thus, claim 1, as well as dependent claims 2 through 13, 15 through 17, 20 through 27, 29 through 33 that depend therefrom are patentable over the cited art. Reconsideration and withdrawal of the rejections are respectfully requested.

Independent claim 34 recites, in part, that the clamping band has “a stepped arrangement so that the clamping band is configured to mate over the segment” where the segment is the location where the first end overlaps the second end”. Thus, claim 34 defines a stepped clamping band where this clamping band is configured to mate over a segment of overlapped pipe ends using a sliding crosspiece that saddles the gap and slides under the two free ends of the clamping band.

Applicants submit that none of the cited are, alone or in combination, discloses or suggests the use of a stepped clamping band used in combination with a sliding crosspiece when trying to seal pipes with overlapped joints.

Calmettes, Bridges '496, Bridges '107, and Brandram are all directed to couplings that connect pipes abutted ends, but not overlapped pipe ends and, thus, clearly fail to disclose or suggest the claimed stepped arrangement.

Wagner, Foti and Hiemstra each disclose clamps or couplings configured to join overlapped pipes. However, the Office Action acknowledges that Wagner, Hiemstra, and Foti fail to disclose or suggest a gap being saddled by a sliding crosspiece.

Rather, the Office Action asserts that Brandram discloses the claimed sliding crosspiece and that it would be obvious to combine the bridge piece of Brandram with Wagner, Foti and Hiemstra.

Again, Brandram discloses that its bridge piece or metal plate with bitumen combination is only applicable to pipes with butt ends, or with rabbeted ends, or with any form of end that does not involve a projection on the exterior surface (emphasis added). See page 1, lines 20-30. Thus, the proposed modification of Brandram (namely the use of the sliding crosspiece with the overlapped joints of Wagner, Foti and Hiemstra) would render the device of Brandram unsuitable for its intended purpose, as Brandram specifically disclosed its use only with butt or rabbeted ends.

For at least the reasons set forth above, it is respectfully submitted that there is simply no motivation to combine any of the primary references with Brandram to result in the combinations of claim 34. Thus, claim 34 is patentable over the cited art. Reconsideration and withdrawal of the rejections are respectfully requested.

Independent claim 35 recites, in part, that the sliding crosspiece itself has “a stepped impression that, prior to assembly, extends only over a part of a perimeter of said sliding crosspiece, and wherein said sliding crosspiece, prior to assembly, is essentially flat along a remaining part of said perimeter (emphasis added)”.

Again, the Office Action acknowledges that Wagner, Hiemstra, Calmettes, Bridges '496, Foti and Bridges '107 fail to disclose or suggest the claimed sliding crosspiece. Rather, the Office Action asserts that Brandram discloses the claimed sliding crosspiece.

Brandram clearly discloses that its bridge piece or metal plate with bitumen combination is only applicable to pipes with butt ends, or with rabbeted ends, or with any form of end that does not involve a projection on the exterior surface (emphasis added). See page 1, lines 20-30.

Further, Brandram clearly discloses that its bridge piece or metal plate is flat not stepped as claimed.

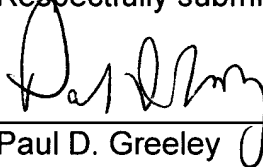
As such, there is simply no teaching, suggestion, or motivation to provide the bridge piece with the stepped impression of claim 35. Moreover, Applicants submit that modifying the bridge piece of Brandram, which relies on the bitumen for compensation of the pipe ends, to include such stepped impression of claim 35 would clearly render the bridge piece of Brandram unsuitable for its intended purposes.

For at least the reasons set forth above, it is respectfully submitted that there is simply no motivation to combine any of the primary references with Brandram to result in the combinations of claim 35. Thus, claim 35, as well as claims 36-38 that depend therefrom, are patentable over the cited art. Reconsideration and withdrawal of the rejections are respectfully requested.

It is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



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